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Paper No. 10
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JUN 10 2004

OFFICE OF PETITIONS

ON PETITION

In re Reissue Application of Patent No.
5,941,608
Original Patent Issued: August 24, 1999
Reissue Application No. 09/939,509
Filed: August 24, 2001
Attorney Docket No. 1-23339

This is a decision on the petition filed November 24, 2003, requesting waiver of the signature requirement of a non-signing inventor for a supplemental declaration under 37 CFR 1.183.

The petition is **GRANTED**.

Petitioner has provided sufficient evidence to establish inventor Salavatore Oliveri has refused to execute the supplemental declaration. Specifically, the declaration of Thomas Wagner attest a copy of the supplemental reissue declaration was mailed along with a copy of the amendment to the last known address of inventor Oliveri. In a phone call with inventor Oliveri, Thomas Wagner confirmed receipt of the supplemental reissue declaration and amendment. However, inventor Oliveri stated he would not sign the supplemental declaration without being provided with percentage contribution information. Inventor Oliveri's statement to Thomas Wagner and the failure to return a signed supplemental declaration is tantamount to a refusal to sign.

Pursuant to petitioner's request, deposit account 11-0417 is being charged the \$130.00 petition fee. The Office Action mailed on May 23, 2003 set an extendable reply period of August 23, 2003. To make the response to the Office Action timely a three month extension of time is required. Accordingly, the above deposit account will also be charged the \$950.00 extension of time fee.

The application file is being returned to Technology Center 3600 for further examination.

Telephone inquiries should be directed to the undersigned at (703) 306-0251.


Charlema R. Grant
Petitions Attorney
Office of Petitions